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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

Peter Barrera,

Defendant.

No. CR-19-01090-PHX-JJT

**MOTION FOR
MODIFICATION OF
RELEASE CONDITIONS

Defendant Not In Custody**

The defendant, through undersigned counsel, moves the Court to enter an order modifying the conditions of release to remove the condition that Mr. Barrera participate in location monitoring program. Mr. Barrera was released from federal custody on October 4, 2019 by Magistrate Judge Burns. (Doc. 14.) The condition that Mr. Barrera participate in location monitoring was not sought by pretrial services at the time of the detention hearing but was rather added to his conditions of release after the government, which opposed release, proffered that it believed Mr. Barrera may not have been residing at his given address during a period of tribal pretrial release and may have in fact been transient. Mr. Barrera disputed and continues to dispute the government's characterization of his pre-arrest living situation. Nevertheless, evidently in response to the government's concerns, Magistrate Judge Burns imposed a requirement that Mr. Barrera participate in

1 location monitoring and that he be restricted to his residence every day from 7:00
2 p.m. until 6:00 a.m., among other requirements (Doc. 15.)

3 Mr. Barrera has now participated in the location monitoring program for over
4 five months and has had no violations of this or any other condition of pretrial
5 release. The ankle bracelet is uncomfortable, unnecessarily stigmatizing, and not
6 necessary to reduce risk of flight or to protect the public. Mr. Barrera therefore
7 respectfully requests that this Court modify his conditions of pretrial release to
8 remove the requirement that he participate in the location monitoring program.

9 Undersigned counsel has been in contact with Mr. Barrera's pretrial services
10 officer, Gilbert Lara, who indicates that pretrial services does not oppose the relief
11 requested herein. Specifically, Mr. Lara reports that Mr. Barrera is doing well on
12 pretrial release, that he has complied with location monitoring rules and
13 regulations, that all urinalysis and breathalyzers have been negative for prohibited
14 substances, and that Mr. Barrera is gainfully employed and regularly attending
15 mental health counseling.

16 Undersigned counsel has also been in contact with assigned Assistant United
17 States Attorney Raynette Logan who indicates that the government does object to
18 the relief requested herein.

19 Excludable delay is not expected to result from this motion or any order
20 based thereon.

21 Respectfully submitted: March 19, 2020.

22 JON M. SANDS
23 Federal Public Defender

24 s/Jami Johnson
25 JAMI JOHNSON
26 Asst. Federal Public Defender
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